

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT VITO COMITO,

Petitioner,

vs.

STATE OF NEVADA, *et al.*,

Respondents.

2:13-cv-01048-JAD-VCF

ORDER

Robert Vito Comito, a federal prisoner serving a sentence on a Nevada federal conviction and facing state charges in Nevada, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the United States District Court in the Central District of California (Doc. 1). The petition was transferred to this Court and petitioner was directed to pay the filing fee or apply for pauper status. *See* ECF No. 10. The fee was due by October 4, 2013. The order directing payment was returned to the Court undelivered on September 16, 2013, because petitioner was no longer at the address he had provided.

The Local Rules of Special Proceedings require that pro se petitioners keep the Court informed at all times of their correct mailing address. LSR 2-2. Failure to comply with that rule can be grounds for dismissal of the action with prejudice. *Id.* Petitioner has not advised the Court of any change of address. He has not paid the required filing fee or submitted a proper and complete

1 application to proceed in *forma pauperis*. Therefore, because petitioner has failed to comply with
2 the orders and rules of this Court, the action shall be dismissed.

3 **IT IS THEREFORE ORDERED** that the petition (ECF No. 1) is **dismissed without**
4 **prejudice** for failure to comply with the rules and orders of the Court. No certificate of
5 appealability shall issue as this procedural ruling would not be debateable among jurists of reason.

6 The Clerk shall enter judgment accordingly and shall close the action. Any pending motions
7 are **denied**.

8 Dated this 15th day of October, 2013.

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12 UNITED STATES DISTRICT JUDGE
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